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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,294

09/25/2006

Frederic Felten

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05/11/2009

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EXAMINER

WOOD, JR, STEVEN A

ART UNIT

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2416

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,294	Applicant(s) FELTEN, FREDERIC	
	Examiner STEVEN WOOD	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2416

DETAILED ACTION

1. The instant application having Application No. **10/599294**, which was filed on **March 25, 2004** is presented for examination by the examiner.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1, 2, 4, 5, 7 & 8** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. From the amendments to the claims, it appears that Applicant originally intended to present the claims in a “means plus function” form. However, the current form of the claims does not invoke the same treatment, and since the term “publishing arrangement” is not mentioned in the specification, it is not possible to discern the meaning of the claims.

Art Unit: 2416

5. **Claim 7** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. From the amendments to the claims, it appears that Applicant originally intended to present the claims in a “means plus function” form. However, the current form of the claim does not invoke the same treatment and since the terms “transforming arrangement” and “transferring arrangement” are not mentioned in the specification, it is not possible to discern the meaning of the claim.

6. **Claim 8** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. From the amendments to the claims, it appears that Applicant originally intended to present the claims in a “means plus function” form. However, the current form of the claim does not invoke the same treatment and since the terms “selector arrangement” and “modifying arrangement” are not mentioned in the specification, it is not possible to discern the meaning of the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2416

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1 – 8** are rejected under 35 U.S.C. 102(b) as anticipated by Low, et al., (US 20030018726 A1) (hereinafter Low).

9. Regarding **claim 1**, Low discloses a method of publishing a communication state of a terminal connected to an access network that detects a communication state of said terminal notified as a current communication state to a communication state publishing arrangement connected to said access network and to a packet network, including: transforming said current communication state (EC) of said terminal into an instant messaging communication state in said publishing arrangement, (paragraph 30; IM gateway 2 supports its own IM system for users of wireless devices such as mobile telephones and personal data assistants (PDAs); paragraph 32; server 16 executes a mobile instant messaging process providing access to instant messaging services to users without requiring an IM client to be installed on the user's computing device. In particular, the WML and SMS interfaces support mobile wireless clients; paragraph 33; gateway 2 receives state information from equipment 31 of a mobile communications network 30, indicating whether the device 32 is connected to the mobile network 30 (**current communication state (EC) of said terminal**). This allows the gateway 2 to store IM state information indicating whether the device 32 is available for receiving IM messages, When the device 32 is disconnected from the network 30, the wireless network equipment 31 informs the gateway 2. Presence messages may be sent to other IM users (**transforming terminal EC into**

Art Unit: 2416

an instant messaging (IM) communication state in said publishing arrangement) when the mobile device is connected and disconnected), and transferring said instant messaging communication state from said publishing arrangement to an instant messaging server connected to said packet network, (paragraph 27; instant messaging (IM) gateway 2, as shown in FIG. 1, includes a network packet switch 6, a server 16 (**IM server**), and a database 18; paragraph 28; network packets flowing between users dialed into the ISP access system and the network 14 pass through the gateway 2 (**connected to said packet network**); paragraph 34; IM data held by the gateway 2 may be sent (**transferring from said publishing arrangement**) to a master IM gateway 2 (**to IM server**) of a number of IM gateways 2 of the network 14 that are arranged in a hierarchical structure so as maintain a complete list of the IM data, particularly the presence data (**said IM communication state**), for all IM users).

10. Regarding **claim 2**, the rejection of claim 1 is incorporated and only further limitations will be addressed. Low discloses the method, including prior to the transforming step, selecting a voluntary communication state and selecting an apparent communication state corresponding to said voluntary communication state in a database as a function of an identifier of said terminal transmitted by said publishing arrangement, (Fig. 4; paragraph 39; IM clients send a number of commands that change the user's state or presence on the IM network. These include the commands which initiate the user's login to and logout from the IM network, and commands which are sent to indicate that the user is away, idle, or does not wish to be disturbed (**selecting a voluntary communication state (EV)**). These commands are handled by an IM state change process (**prior to the transforming step**). The gateway 2 maintains state tables on the database

Art Unit: 2416

18 (**in a database**) which includes entries for each IM user connected to an IM network through the gateway 2. As shown in Table 1 below, the database 18 includes a state table for each user of the gateway 2 (**transmitted by said publishing arrangement**), including the user's screen name (**identifier of said terminal**), IM protocol, presence state, IP address or mobile telephone number, and a permit/deny mode. These entries are created by the gateway (**selecting an apparent communication state (EA)**) when the user sends state change commands to their native IM system (**corresponding to said EV**); for example, when a user logs in to their IM system, or changes their state from available to unavailable, and so on; paragraph 40; Each IM network identifies its users by assigning a unique identifier to each user (**as a function of an identifier of said terminal**). As described above, this identifier is generally a character string known as a screen name or nickname), and if said apparent communication state is different from said current communication state, modifying said current communication state to said apparent communication state in said publishing arrangement, (paragraph 42; when the gateway 2 (**in said publishing arrangement**) receives a command that will change the user's state (**said EA is different from said EC**), the IM state change forwards a copy of the packet to the switch 6, which sends it to the appropriate IM server at step 114. For example, if the command is an AIM sign_on command to login the user to the AIM network, the command is forwarded to the AIM server 20. If the login was successful, then the state table is updated at step 116 to reflect the user's state as "online" and the IM protocol used by the user. Similarly, if the IM command modifies the user's state to be (un)available, or if the user leaves the IM network, then the table is updated at step 116 (**modifying said EC to said EA**); paragraph 45; network equipment 31 sends a message to the gateway 2 indicating that the device 32 is available to receive IM

Art Unit: 2416

messages. In response, the gateway 2 stores state information for the account in the state table. If the mobile device 32 is switched off at any time, this is detected by the network equipment 31, which sends a corresponding message to the gateway 2, which updates its state table to indicate that IM messages cannot be sent to the device 32. The gateway 2 then sends presence messages to other IM users).

11. Regarding **claim 3**, the rejection of claim 2 is incorporated and only further limitations will be addressed. Low discloses the method, wherein said voluntary communication state is selected by said terminal on a server connected to said packet network, (Fig. 4; paragraph 38; IM gateway process listens on the IM gateway port of the server 16 (**on a server**) at step 100. The packets are analysed at step 110 to determine the IM protocol of the packet (**connected to said packet network**). Once the IM protocol of the packet is known, the IM command can be determined at step 112; paragraph 39; IM clients send a number of commands (**selected by said terminal**) that change the user's state or presence on the IM network. These include the commands which initiate the user's login to and logout from the IM network, and commands which are sent to indicate that the user is away, idle, or does not wish to be disturbed (**said VE**)), and then stores the voluntary communication state in said database, (paragraph 39; these commands are handled by an IM state change process. The gateway 2 maintains state tables on the database 18 which includes entries for each IM user connected to an IM network through the gateway 2. As shown in Table 1 below, the database 18 (**in said database**) includes a state table for each user of the gateway 2, including the user's screen name, IM protocol, presence state (**stores VE**), IP address or mobile telephone number, and a permit/deny mode).

12. Regarding **claim 4**, the rejection of claim 1 is incorporated and only further limitations will be addressed. Low discloses the method, including selecting a current action to be established in said access network of said terminal and associated with said current communication state in a database as a function of an identifier of said terminal transmitted by said publishing arrangement, (paragraph 39; IM clients send a number of commands that change the user's state or presence on the IM network. These include the commands which initiate the user's login to and logout from the IM network, and commands which are sent to indicate that the user is away, idle, or does not wish to be disturbed. These commands are handled by an IM state change process. The gateway 2 maintains state tables on the database 18 (**in a database**) which includes entries for each IM user connected to an IM network through the gateway 2. As shown in Table 1 below, the database 18 includes a state table for each user of the gateway 2 (**transmitted by said publishing arrangement**), including the user's screen name (**as a function of an identifier of said terminal**), IM protocol, presence state, IP address or mobile telephone number, and a permit/deny mode. The permit/deny mode is used for blocking or permitting messages from other IM users: a value of 1 indicates that the user is permitting all contacts to send instant messages and "see" the user, a value of 2 indicates that the user is denying all contacts, a value of 3 indicates that only contacts in a permit list are permitted to send messages, and a value of 4 indicates that only contacts in a deny list are prohibited from sending messages (**selecting a current action associated with said EC**). These entries are created by the gateway when the user sends state change commands to their native IM system (**to be established in said access network of said terminal**); for example, when a user logs in to their IM system, or

Art Unit: 2416

changes their state from available to unavailable, and so on), in order for that action to be commanded subsequently by said publishing arrangement, (paragraph 39; the state table that the gateway 2 (**by said publishing arrangement**) maintains is particularly advantageous as it provides an indication of the presence of all of the IM users (**in order for that action to be commanded subsequently**), e.g., whether an IM user is available or not).

13. Regarding **claim 5**, the rejection of claim 2 is incorporated and only further limitations will be addressed. Low discloses the method, including selecting a current action to be established in said access network of said terminal and associated with said current communication state in a database as a function of an identifier of said terminal transmitted by said publishing arrangement, (paragraph 39; gateway 2 maintains state tables on the database 18 (**in a database**) which includes entries for each IM user connected to an IM network through the gateway 2. As shown in Table 1 below, the database 18 includes a state table for each user of the gateway 2 (**transmitted by said publishing arrangement**), including the user's screen name (**as a function of an identifier of said terminal**), IM protocol, presence state, IP address or mobile telephone number, and a permit/deny mode. The permit/deny mode is used for blocking or permitting messages from other IM users: a value of 1 indicates that the user is permitting all contacts to send instant messages and "see" the user, a value of 2 indicates that the user is denying all contacts, a value of 3 indicates that only contacts in a permit list are permitted to send messages, and a value of 4 indicates that only contacts in a deny list are prohibited from sending messages (**selecting a current action associated with said EC**). These entries are created by the gateway when the user sends state change commands to their native IM system (**to**

Art Unit: 2416

be established in said access network of said terminal); for example, when a user logs in to their IM system, or changes their state from available to unavailable, and so on), in order for that action to be commanded subsequently by said publishing arrangement, (paragraph 39; the state table that the gateway 2 (**by said publishing arrangement**) maintains is particularly advantageous as it provides an indication of the presence of all of the IM users (**in order for that action to be commanded subsequently**), e.g., whether an IM user is available or not), selecting an action associated with said voluntary communication state, (paragraph 40; contact table, as shown in Table 2, is used to store a list of an IM user's contacts, including buddies and members of the user's permit list and deny list. The contact table is populated when an IM client sends a buddy list, a permit list, or a deny list to their native IM server. These packets are intercepted by the gateway 2 which analyses them and generates table entries based on data in the lists; paragraph 39; The permit/deny mode is used for blocking or permitting messages from other IM users: a value of 1 indicates that the user is permitting all contacts to send instant messages and “see” the user, a value of 2 indicates that the user is denying all contacts, a value of 3 indicates that only contacts in a permit list are permitted to send messages, and a value of 4 indicates that only contacts in a deny list are prohibited from sending messages (**selecting an action associated with said EV**). These entries are created by the gateway when the user sends state change commands to their native IM system; for example, when a user logs in to their IM system, or changes their state from available to unavailable, and so on), and modifying the current action to said action associated with said voluntary communication state, (paragraph 39; IM clients send a number of commands that change the user's state or presence on the IM network. These include the commands which initiate the user's login to and logout from the IM

Art Unit: 2416

network, and commands which are sent to indicate that the user is away, idle, or does not wish to be disturbed. These commands are handled by an IM state change process; paragraph 42; if the login was successful, then the state table is updated at step 116 to reflect the user's state as "online" and the IM protocol used by the user. Similarly, if the IM command modifies the user's state to be (un)available, or if the user leaves the IM network, then the table is updated at step 116 (**modifying the current action to said action associated with said EV**); paragraph 43; a user's contact lists are updated by contact commands, and are processed according to a contact list process, as shown in FIG. 5).

14. Regarding **claim 6**, the rejection of claim 5 is incorporated and only further limitations will be addressed. Low discloses the method, wherein said action associated with said voluntary communication state is selected by said terminal on a server connected to said packet network and then stores in said database, (Fig. 4; paragraph 38; IM gateway process listens on the IM gateway port of the server 16 (**on a server**) at step 100. The packets are analysed at step 110 to determine the IM protocol of the packet (**connected to said packet network**). Once the IM protocol of the packet is known, the IM command can be determined at step 112; paragraph 39; IM clients send a number of commands (**selected by said terminal**) that change the user's state or presence on the IM network. These include the commands which initiate the user's login to and logout from the IM network, and commands which are sent to indicate that the user is away, idle, or does not wish to be disturbed (**said VE**). The gateway 2 maintains state tables on the database 18 which includes entries for each IM user connected to an IM network through the gateway 2. As shown in Table 1 below, the database 18 includes (**stores in said database**) a

Art Unit: 2416

state table for each user of the gateway 2, including the user's screen name, IM protocol, presence state, IP address or mobile telephone number, and a permit/deny mode. The permit/deny mode is used for blocking or permitting messages from other IM users: a value of 1 indicates that the user is permitting all contacts to send instant messages and "see" the user, a value of 2 indicates that the user is denying all contacts, a value of 3 indicates that only contacts in a permit list are permitted to send messages, and a value of 4 indicates that only contacts in a deny list are prohibited from sending messages (**said action associated with said EV**)).

15. Regarding **claim 7**, Low discloses a system for publishing a communication state of a terminal connected to an access network that detects a communication state of said terminal notified as a current communication state, said system comprising: a communication state publishing arrangement connected to said access network and to a packet network, (paragraph 39; gateway 2 (**communication state publishing arrangement**) maintains state tables on the database 18 which includes entries for each IM user connected to an IM network through the gateway 2. These entries are created by the gateway when the user sends state change commands to their native IM system (**connected to said access network**); for example, when a user logs in to their IM system, or changes their state from available to unavailable, and so on; paragraph 40; contact table is populated when an IM client sends a buddy list, a permit list, or a deny list to their native IM server. These packets are intercepted by the gateway 2 (**and connected to a packet network**) which analyses them and generates table entries based on data in the lists), a transforming arrangement for transforming said current communication state of said terminal into an instant messaging communication state, (paragraph 30; IM gateway 2

Art Unit: 2416

supports its own IM system for users of wireless devices such as mobile telephones and personal data assistants (PDAs); paragraph 32; server 16 executes a mobile instant messaging process providing access to instant messaging services to users without requiring an IM client to be installed on the user's computing device. In particular, the WML and SMS interfaces support mobile wireless clients; paragraph 33; gateway 2 (**transforming arrangement**) receives state information from equipment 31 of a mobile communications network 30, indicating whether the device 32 is connected to the mobile network 30 (**current communication state (EC) of said terminal**). This allows the gateway 2 to store IM state information indicating whether the device 32 is available for receiving IM messages, When the device 32 is disconnected from the network 30, the wireless network equipment 31 informs the gateway 2. Presence messages may be sent to other IM users (**transforming terminal EC into an instant messaging (IM) communication state**) when the mobile device is connected and disconnected), and a transferring arrangement for transferring said instant messaging communication state from said publishing arrangement to an instant messaging server connected to said packet network, (paragraph 27; instant messaging (IM) gateway 2 (**transferring arrangement**), as shown in FIG. 1, includes a network packet switch 6, a server 16 (**IM server**), and a database 18; paragraph 28; network packets flowing between users dialed into the ISP access system and the network 14 pass through the gateway 2 (**connected to said packet network**); paragraph 34; IM data held by the gateway 2 may be sent (**transferring from said publishing arrangement**) to a master IM gateway 2 (**to IM server**) of a number of IM gateways 2 of the network 14 that are arranged in a hierarchical structure so as maintain a complete list of the IM data, particularly the presence data (**said IM communication state**), for all IM users).

16. Regarding **claim 8**, the rejection of claim 7 is incorporated and only further limitations will be addressed. Low discloses the system, wherein said publishing arrangement comprises a first selector arrangement for selecting a voluntary communication state in a database as a function of an identifier of said terminal, a second selector arrangement for selecting an apparent communication state corresponding to said voluntary communication state in said database as a function of said identifier of said terminal, (Fig. 4; paragraph 39; IM clients send a number of commands that change the user's state or presence on the IM network. These include the commands which initiate the user's login to and logout from the IM network, and commands which are sent to indicate that the user is away, idle, or does not wish to be disturbed (**first selector arrangement for selecting a voluntary communication state (EV)**)). These commands are handled by an IM state change process. The gateway 2 (**said publishing arrangement comprises a first and a second selector arrangement**) maintains state tables on the database 18 (**in a database**) which includes entries for each IM user connected to an IM network through the gateway 2. As shown in Table 1 below, the database 18 includes a state table for each user of the gateway 2 (**transmitted by said publishing arrangement**), including the user's screen name (**identifier of said terminal**), IM protocol, presence state, IP address or mobile telephone number, and a permit/deny mode. These entries are created by the gateway (**second selector arrangement for selecting an apparent communication state (EA)**) when the user sends state change commands to their native IM system (**corresponding to said EV**); for example, when a user logs in to their IM system, or changes their state from available to unavailable, and so on; paragraph 40; Each IM network identifies its users by assigning a unique identifier to each user

Art Unit: 2416

(as a function of an identifier of said terminal). As described above, this identifier is generally a character string known as a screen name or nickname), and a modifying arrangement for modifying said current communication state to said apparent communication state if said apparent communication state is different from said current communication state, (paragraph 42; when the gateway 2 (**modifying arrangement**) receives a command that will change the user's state (**if said EA is different from said EC**), the IM state change forwards a copy of the packet to the switch 6, which sends it to the appropriate IM server at step 114. For example, if the command is an AIM sign_on command to login the user to the AIM network, the command is forwarded to the AIM server 20. If the login was successful, then the state table is updated at step 116 to reflect the user's state as "online" and the IM protocol used by the user. Similarly, if the IM command modifies the user's state to be (un)available, or if the user leaves the IM network, then the table is updated at step 116 (**for modifying said EC to said EA**); paragraph 45; network equipment 31 sends a message to the gateway 2 indicating that the device 32 is available to receive IM messages. In response, the gateway 2 stores state information for the account in the state table. If the mobile device 32 is switched off at any time, this is detected by the network equipment 31, which sends a corresponding message to the gateway 2, which updates its state table to indicate that IM messages cannot be sent to the device 32. The gateway 2 then sends presence messages to other IM users).

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wood whose telephone number is (571) 270-7318. The examiner can normally be reached on Monday to Friday 8:00 AM to 4:00 PM.

If attempts to reach the above noted Examiner by telephone are unsuccessful, the Examiner's supervisor, Seema Rao, can be reached at the following telephone number: (571)272-3174.

The fax phone number for the organization where this application or proceeding is assigned is 571-274-7318. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/S.W./
May 7, 2009
Steven A. Wood
Examiner
Art Unit 2416

/Kevin C. Harper/

Primary Examiner, Art Unit 2416